OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
304 U.S. COURTHOUSE
68 COURT STREET
BUFFALO, NEW YORK 14202-3498
(716) 551-4211

March 18, 2008

08 CR 7015 -IEG

FILED
MAR 20 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DAH DEPUTY

Clerk, U.S. District Court
Southern District of California
4290 Edward J. Schwartz Federal Building
880 Front Street
El Cajon, CA 92020

RE: Transfer of Jurisdiction
06-cr-294

Dear Clerk:

Enclosed is an original Transfer of Jurisdiction of Rico A. Welch along with certified copies of the docket sheet, Indictment, Plea Agreement, Judgment and any other pertinent documents from our file.

Please return the enclosed copy of our letter with your court's case/reference number.

Very truly yours,

RODNEY C. EARLY, Clerk

S. Grunzweig

By: Suzanne Grunzweig
Deputy Clerk

Enclosures

PROB 22
(Rev 2/88)

FILED
08 MAR 20 PM 3:36
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

TRANSFER OF JURISDICTION

DOCKET NUMBER (Tran. Court)	06 CR 00294 001
DOCKET NUMBER (Rec. Court)	08CR7015-IEG

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE	DISTRICT		DIVISION
Mr. Rico A. Welch 464 South Anza Street El Cajon, CA 92020	WD/NY		Buffalo
	NAME OF SENTENCING JUDGE		
	William M. Skretny, U.S. District Judge		
	DATES OF PROBATION/ SUPERVISED RELEASE	FROM	TO
		01/04/08	01/03/11

ECF DOCUMENT
I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of New York.
Date Filed: 3/6/06
Rodney C. Early, Clerk
By: S Grunzweig
Deputy Clerk

OFFENSE

Unlawful Possession of Ammunition in violation of T18:922(g)(1)
Possession with Intent to Distribute Marijuana in violation of T21:841(a)(1)

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Western DISTRICT OF New York

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the Southern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.* Collection of restitution will be maintained by the sentencing district if the case is Joint and Several with other defendants.

01/26/08 — DATE

X [signature] — UNITED STATES DISTRICT JUDGE

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Southern DISTRICT OF California

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

2/12/08 — EFFECTIVE DATE

[signature: Irma E. Gonzalez] — UNITED STATES DISTRICT JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

MAY 2005 GRAND JURY
(Empaneled 05/06/2005)

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

Violations:

18 U.S.C. 922(g)(1);
21 U.S.C. 841(a)(1)

RICO A. WELCH

COUNT 1

The Grand Jury Charges:

On or about the 14th day of May 2005, in Niagara Falls, New York, in the Western District of New York, the defendant, RICO A. WELCH, having been convicted on or about November 20, 1990 in the Superior Court, San Diego County, California, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, a quantity of ammunition, namely, forty-three (43) Independence Ammo, 9 mm. Luger caliber cartridges.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 2

ECF
DOCUMENT
I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of New York.
Date Filed: 9/7/06
Rodney C. Early, Clerk
By: S. Gruzzweig
Deputy Clerk

The Grand Jury Further Charges:

On or about the 14th day of May 2005, in Niagara Falls, New York, in the Western District of New York, the defendant, RICO A. WELCH, did knowingly, intentionally and unlawfully possess with intent to distribute a quantity of a mixture and substance containing marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

DATED: Buffalo, New York, September 7, 2006.

TERRANCE P. FLYNN
United States Attorney

S/RICHARD P. MAIGRET

By: RICHARD P. MAIGRET
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5700 ext. 868
richard.maigret@usdoj.gov

A TRUE BILL:

S/DEPUTY FOREPERSON
FOREPERSON

DWB/pcd (PACTS #12391)

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

WESTERN District of NEW YORK

UNITED STATES OF AMERICA
V.

RICO A. WELCH

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:06CR00294-001

USM Number: 69020-208

Roxanne Mendez Johnson
Defendant's Attorney

FILED
2007 MAY 3 PM 12:05
U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

THE DEFENDANT:

☒ pleaded guilty to count(s) I & II

☐ pleaded nolo contendere to count(s) ______ which was accepted by the court.

☐ was found guilty on count(s) ______ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §922(g)(1)	Unlawful Possession of Ammunition	5/14/05	I
21 U.S.C. §841(a)(1)	Possession With Intent to Distribute Marijuana	5/14/05	II

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ______

☐ Count(s) ______ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 23, 2007
Date of Imposition of Judgment

[signature]
Signature of Judge

William M. Skretny, U.S. District Judge
Name and Title of Judge

5/30/07
Date

ECF
DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of New York.

Date Filed: 5/31/08
Rodney C. Early, Clerk
By: [signature] Deputy Clerk

DEFENDANT: RICO A. WELCH
CASE NUMBER: 1:06CR00294-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 18 months on Count I and 18 months on Count II with both counts to run concurrent.

☒ The court makes the following recommendations to the Bureau of Prisons:
The defendant shall be designated to a facility as close to Phoenix, Arizona as possible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ____________ ☐ a.m. ☐ p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ____________ to ____________

a ____________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ____________
DEPUTY UNITED STATES MARSHAL

DWB/pcd (PACTS #12391)

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 3 — Supervised Release

DEFENDANT: RICO A. WELCH
CASE NUMBER: 1:06CR00294-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: three (3) years on Count I and three (3) years on Count II with both counts to run concurrent.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)

☒ The defendant shall cooperate in the collection of DNA as required by the Justice for All Act of 2004. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RICO A. WELCH
CASE NUMBER: 1:06CR00294-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall obtain and maintain verifiable employment.

The defendant shall submit to substance abuse testing, to include urinalysis and other testing. Details of such testing to be approved by the U.S. Probation Office. If substance abuse is indicated by testing, the defendant is to complete a drug/alcohol evaluation and enter into any treatment as deemed necessary by the U.S. Probation Office and/or the Court. The defendant is not to leave treatment until discharge is agreed to by the U.S. Probation Office and/or the Court. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered (co-payment in the amount to be determined by the U.S. Probation Office based on the ability to pay or availability of third party payment).

The defendant shall submit to a search of hisr person, property, vehicle, place of residence or any other property under his control, based upon reasonable suspicion, and permit confiscation of any evidence or contraband discovered.

The defendant shall provide the U.S. Probation Office with access to any requested personal and/or business financial information. The U.S. Probation Office is authorized to release pre-sentence and post-sentence financial information submitted by the defendant to the U.S. Attorney's Office for use in the collection of any unpaid fine or restitution. If restitution or a fine is owed, the defendant shall notify the U.S. Probation Office of any assets received and shall not disburse his/her interest in any assets, including, but not limited to, income tax refunds, inheritance, insurance and lawsuit settlements, or gambling winnings without the approval of the U.S. Probation Office.

DEFENDANT: RICO A. WELCH
CASE NUMBER: 1:06CR00294-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	$ 100 for each count	$ 0	$ 0

☐ The determination of restitution is deferred until ______. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
TOTALS	$ ____________	$ ____________	

☐ Restitution amount ordered pursuant to plea agreement $ ____________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RICO A. WELCH
CASE NUMBER: 1:06CR00294-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ ______________ due immediately, balance due

☐ not later than ____________________ , or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or

C ☐ Payment in equal ___________ (e.g., weekly, monthly, quarterly) installments of $ ___________ over a period of ___________ (e.g., months or years), to commence _________ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal ___________ (e.g., weekly, monthly, quarterly) installments of $ ___________ over a period of ___________ (e.g., months or years), to commence _________ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _________ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☒ Special instructions regarding the payment of criminal monetary penalties:
The defendant shall pay a special assessment of $100 on Count I and $100 on Count II for a total of $200.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
(a) the 43 Independence Ammo 9 mm. Caliber cartridges and (b) a Detonics Model Pocket 9, 9 mm. Caliber semiautomatic pistol, bearing serial number P3849 and 6 Independence Ammo 9 mm. Caliber cartridges.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

2255, CLOSED_2007, MAG

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:06-cr-00294-WMS-LGF-1
Internal Use Only

Case title: USA v. Welch

Date Filed: 09/07/2006
Date Terminated: 05/31/2007

Assigned to: Hon. William M. Skretny
Referred to: Hon. Leslie G. Foschio

Defendant (1)

Rico A. Welch
TERMINATED: 05/31/2007

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
By [signature]
Deputy Clerk

represented by **Rico A. Welch**
464 S. Anza Street
El Cajon, CA 92020
PRO SE

Roxanne Mendez Johnson
Federal Public Defender
300 Pearl Street
Suite 450
Buffalo, NY 14202
716-551-3341
Fax: 716-551-3346
Email: roxanne_johnson@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender Appointment

Pending Counts

UNLAWFUL TRANSPORT OF FIREARMS, ETC. all in violation of 18:922G.F
(1)

Disposition

The Defendant is sentenced to the custody of the BOP for a term of 18 months on each Count and a 3 year term of Supervised Release on each Count. All to run concurrent Conditions of Supervised release are as detailed in minute entry of 5/23/2007. $100.00 Special Assessment imposed on each Count.

MARIJUANA - SELL, DISTRIBUTE, OR DISPENSE all in violation of 21:841A=MD.F (2)	The Defendant is sentenced to the custody of the BOP for a term of 18 months on each Count and a 3 year term of Supervised Release on each Count. All to run concurrent Conditions of Supervised release are as detailed in minute entry of 5/23/2007. $100.00 Special Assessment imposed on each Count.

Highest Offense Level (Opening)

Felony

Terminated Counts | **Disposition**

None

Highest Offense Level (Terminated)

None

Complaints | **Disposition**

None

Plaintiff

USA represented by **Richard P. Maigret**
U.S. Attorney's Office
Federal Centre
138 Delaware Avenue
Buffalo, NY 14202
716-843-5868
Fax: 716-551-3052
Email: richard.maigret@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/07/2006	1	INDICTMENT as to Rico A. Welch (1) count(s) 1, 2. (DZ,) (Entered: 09/07/2006)
09/12/2006		Arrest of Rico A. Welch in District of Arizona (Yuma). (DZ,) (Entered: 09/20/2006)

09/20/2006	2	Rule 5(c)(3) Documents Received as to Rico A. Welch from District of Arizona (Yuma)(DZ,) (Entered: 09/20/2006)
09/28/2006	3	ORDER REFERRING CASE to Magistrate Judge Leslie G. Foschio as to Rico A. Welch. Signed by Judge William M. Skretny on 9/27/2006. (Dzielski, J.) (Entered: 09/28/2006)
10/02/2006	4	ARREST Warrant Returned Executed on 9/12/06 in case as to Rico A. Welch. (DZ,) (Entered: 10/02/2006)
10/17/2006		Minute Entry for proceedings held before Judge Leslie G. Foschio :Arraignment re; Rule 5-In from Arizona as to Rico A. Welch (1) Count 1,2 held on 10/17/2006, Time Excluded as to Rico A. Welch from: 10-17-06, Excludable(s) stopped 10-19-06 as to Rico A. Welch, Location start (LC) as to Rico A. Welch, Added attorney Roxanne Mendez Johnson for Rico A. Welch. Detention Hearing set for 10/19/2006 02:30 PM before Hon. Leslie G. Foschio. AUSA: R. Maigret and J. Humann w/deft. Deft advised of his rights, charges against him and penalty range in the event of conviction. Deft reqs ct app atty. Deft examined and determined eligible -- FPD OFFICE ASSIGNED (ROXANNE MENDEZ-JOHNSON, AFPD). Deft acknowledge receipt of indictment, waive reading and enter plea of NOT GUILTY. Gov't oral mtn for detention based of crime of violence (1st ct) and 10-year drug felony (2nd ct). Deft reqs hrg. DETENTION HEARING SET FOR 10-19-06 at 2:30 pm. Time excluded (pending dtn mtn) -- 70 days remain, STA clock -- WRITTEN STA TO FOLLOW.Deft agrees to PTS interview. Gov't to prepare OTP for deft's appearance. Deft remanded. (LL,) (Entered: 10/17/2006)
10/19/2006	5	Minute Entry for proceedings held before Judge Leslie G. Foschio :Detention Hearing as to Rico A. Welch held on 10/19/2006, Time Excluded as to Rico A. Welch from: 10-29-07, Excludable(s) stopped 1-23-07 as to Rico A. Welch. Gov't/Deft by proffer. COURT GRANTS GOV'T MOTION FOR DETENTION FOR THE REASONS STATED ON THE RECORD. Scheduling order deadlines set. Time excluded (informal discovery, prepare/file motions) -- 70 days remain, STA clock. Thereafter, time excluded upon filing mtns up to andn including O/A, to wit 1-23-07 + 30-day judicial advisement -- 70 days remain as of 1-23-07. Gov't has option to supplement SO. Thereafter, if no motions filed, parties directed to meet with Judge Skretny on 12-28-06 (3 days after motion deadline) to set a trial date. Deft remanded. (LL,) Modified on 10/19/2006 (LL,). Additional attachment(s) added on 10/19/2006 (LL,). (Entered: 10/19/2006)
10/19/2006		E-Filing Notification: Correction to date to appear before Judge Skretny re: 5 Minute Entry for proceedings held before Judge Leslie G. Foschio re: Detention Hearing setting motion deadlines as to Rico A. Welch held on 10/19/2006, to wit: changed from 1-27-07 to 12-28-06. COUNSEL TO NOTE THEIR FILE/CALENDARS ACCORDINGLY. (LL,) (Entered: 10/19/2006)

10/19/2006		E-Filing Notification: Attached corrected minute entry re: 5 Minute Entry for proceedings held before Judge Leslie G. Foschio :Detention Hearing as to Rico A. Welch held on 10/19/2006(LL,) (Entered: 10/19/2006)
10/19/2006	6	SCHEDULING ORDER as to Rico A. Welch : Discovery due by 11/13/2006. Motions due by 12/22/2006. Responses due by 1/12/2007. Oral Argument set for 1/23/2007 10:00 AM before Hon. Leslie G. Foschio. If no motions filed by 12-22-06 parties directed to meet with Judge Skretny on 12-28-06 at 9:00 a.m. Time excluded. SO ORDERED. Signed by Judge Leslie G. Foschio on 10/19/06. (LL,) (Entered: 10/19/2006)
10/23/2006	7	ORDER TO CONTINUE - Ends of Justice as to Rico A. Welch Time excluded from 10/17/06 until 10/19/06 . Signed by Judge Leslie G. Foschio on 10/23/06. (DZ,) (Entered: 10/23/2006)
10/26/2006	8	ORDER OF DETENTION PENDING TRIAL as to Rico A. Welch . Signed by Judge Leslie G. Foschio on 10/25/06. (copy USPO) (DZ,) (Entered: 10/26/2006)
12/22/2006	9	CALENDAR ENTRY as to Rico A. Welch: In the event no motions are filed by 12/22/2006, a Status Conference is scheduled for 12/28/2006 at 9:00 AM before the Hon. William M. Skretny. (MEAL) (Entered: 12/22/2006)
12/28/2006	10	Minute Entry for proceedings held before the Hon. William M. Skretny:Status Conference as to Rico A. Welch held on 12/28/2006. No motions have been filed. Plea has been agreed to in theory but needs to be reduced to writing. A Change of Plea is scheduled for 1/22/2007 at 2:00 PM before the Hon. William M. Skretny. Plea agreement to be provided to the Court 1 week prior. Time to be excluded pursuant to 3161(h)(8)(A). For the govt. - Gretchen Wylegala for Richard Maigret. For the deft. - Roxanne Mendez-Johnson. Defendant not present. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 12/28/2006)
01/11/2007	11	AMENDED SCHEDULING ORDER as to Rico A. Welch re 6 Order setting motion deadlines,etc.: Motions now due by 1/26/2007. Gov't Response now due by 2/16/2007. Oral Argument reset for 2/27/2007 11:00 AM before Hon. Leslie G. Foschio. Time excluded without objection under the Speedy Trial Act as parties are engaged in setting plea before the District Court. SO ORDERED. Signed by Judge Leslie G. Foschio on 1/10/07. (LL,) (Entered: 01/11/2007)
01/22/2007	12	PLEA AGREEMENT as to Rico A. Welch (DZ,) (Entered: 01/23/2007)
01/22/2007	13	Minute Entry for proceedings held before the Hon. William M. Skretny:Change of Plea as to Rico A. Welch held on 1/22/2007. Plea Agreement entered into and accepted by the Court. Defendant pled guilty to a Two Count Felony Information. Guilty plea accepted by the Court. Sentencing is set for 5/23/2007 at 9:00 AM before the Hon. William M. Skretny. Defendant is remanded. For the govt. - Richard Maigret. For the deft. - Roxanne Mendez-Johnson. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 01/25/2007)

04/17/2007	14	STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Rico A. Welch (Maigret, Richard) (Entered: 04/17/2007)
04/17/2007	15	STATEMENT WITH RESPECT TO SENTENCING FACTORS by Rico A. Welch (Johnson, Roxanne) (Entered: 04/17/2007)
05/15/2007	16	SENTENCING MEMORANDUM by Rico A. Welch (Attachments: # 1 Attachments to Sentencing Memorandum)(Johnson, Roxanne) (Entered: 05/15/2007)
05/23/2007	17	Minute Entry for proceedings held before the Hon. William M. Skretny:Sentencing held on 5/23/2007 for Rico A. Welch on Counts 1 and 2 of the Indictment. (Felony Counts). Presentence report to be sealed - will be made available to counsel for appeal purposes only. The probation department's recommendation section which is a part of said presentence report will be kept under separate seal and will not be accessible to counsel. The Court grants the Government's Motion for an additional downward departure of 1 level for acceptance of responsibility. Total Offense Level: 15.Criminal History Category: III. The defendant is sentenced to the custody of the BOP for a term of 18 months on each Count to run concurrently, the Court finding it a reasonable and just sentence under the guide of the Booker Decision and consideration of the 3553 factors relating to the maturity and the accomplishments of the defendant while in custody along with his potential. Upon release from imprisonment the defendant shall be placed on supervised release for a term of 3 years on each Count to run concurrent. The defendant shall abide by the standard conditions of supervised release as promulgated in the WDNY. The defendant shall not commit any crimes, federal, state or local.The defendant shall provide the U.S. Probation office with access to any requested personal and/or business financial information. The probation office is authorized to release financial information submitted by the defendant to the U.S. Attorney's Office for use in the collection of any unpaid fine or restitution. If restitution or a fine is owed, the defendant shall notify the U.S. Probation Office of any assets received and shall not disburse his interest in any assets, including but not limited to, income tax refunds, inheritance, insurance and lawsuit settlements, or gambling winnings without the approval of the U.S. Probation Office. The defendant shall not incur any further debt including the use of credit cards, lines of credit, mortgages or private loans without the approval of the probation office. The defendant shall complete a drug/alcohol evaluation and enter into treatment as directed by the probation office. The defendant is not to leave treatment until discharge is agreed to by the probation office and the treating agency. Co-payment imposed. The defendant shall be prohibited from possessing a firearm or other dangerous device or ammunition. The defendant shall not possess a controlled substance. The defendant shall maintain and obtain gainful employment.The defendant shall submit to a search of his person, property, vehicle and abode, conducted as determined by the Probation Office. Forfeiture imposed pursuant to the terms of the plea agreement. The defendant is to pay a mandatory special assessment in the amount of $100.00 on each Count for a total of $200.00. The Court recommends that the

		defendant be designated to a facility as close to Phoenix, Arizona as possible. The Court imposes sentence as stated and directs preparation of a judgment of conviction. Defendant remanded. For the govt. - Richard Maigret. For the deft. - Roxanne Mendez-Johnson. For prob. - DAvid Ball. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 05/29/2007)
05/29/2007	18	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Rico A. Welch (DZ,) (Entered: 05/29/2007)
05/29/2007	19	Sealed Document as to Rico A. Welch. (DZ,) (Entered: 05/29/2007)
05/31/2007	20	JUDGMENT as to Rico A. Welch (1), Count(s) 1, 2. Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Judge William M. Skretny on 5/30/07. (DZ,) (Entered: 06/01/2007)
01/17/2008	21	MOTION to Vacate pursuant to 28 USC Section 2255 by Rico A. Welch. (JDK) (Entered: 01/24/2008)
01/17/2008		Motion to Vacate Pursuant to 28 U.S.C. Section 2255/Corresponding Civil Case Number 08-CV-044S (Entered: 01/24/2008)
01/17/2008		Due to system incapability in processing Motion event "2255 Vacate", motion was docketed using other procedures (JDK) (Entered: 01/24/2008)
03/06/2008	22	Probation Jurisdiction Transferred to Southern District of California as to Rico A. Welch Transmitted Transfer of Jurisdiction form, with certified copies of indictment, plea agreement, judgment and docket sheet. (SG) (Entered: 03/18/2008)